

**Serial No. 10/803,022
Amendment dated June 21, 2006
Reply to Official Action of February 21, 2006**

Remarks

The Official Action dated February 21, 2006, has been carefully considered. Consideration of the changes and remarks presented herein and reconsideration of the rejections are respectfully requested.

By the present amendment, claim 1 have been amended. Claims 2, 4 and 9-20 have been cancelled. Support for the amendment can be found in the specification, claims and drawings as originally filed. It is believed that these changes do not involve any introduction of new matter, whereby entry is believed to be in order and is respectfully requested. While claim 8 has been withdrawn by the Examiner, Applicants note that claim 8 depends from claim 1, and therefore, if claim 1 is allowed, claim 8 should also be allowed. Accordingly, claims 1, 3 and 5-8 remain pending in this application. As set forth below, it is believed that claims 1, 3 and 5-8 are in condition for allowance.

In the Official Action the Examiner objected to the drawings. Replacement sheets have been provided which include changes to Figs 3-5 of the present application. Fig. 4 has been amended to illustrate that the lid and threaded post is made of glass. Fig. 5 has been amended to show the hollow channel in the engagement piece having an internally threaded channel. It is believed that these changes do not involve any introduction of new matter. In light of the changes to Figs. 3-5, Applicants believe that the objections to the drawings have been overcome and respectfully request reconsideration.

Moreover, the Examiner objected to the specification, particularly to the title of the application. In light of the amendment to the title Applicants believe this objection has been overcome and respectfully request reconsideration.

Also in the Official Action, the Examiner rejected claim 4 based upon a double patenting rejection asserting that claim 4 is a substantial duplicate of claim 2. In light of the cancellation of

Serial No. 10/803,022
Amendment dated June 21, 2006
Reply to Official Action of February 21, 2006

claim 4, Applicants believe this rejection has been overcome and respectfully request reconsideration.

In the Official Action, the Examiner rejects claims 17-20 under 35 U.S.C. § 102(b) as being anticipated by Ripley (U.S. Patent No. 296,457). In light of the cancellation of claims 17-20, Applicants believe this rejection is now moot. As such, Applicants respectfully request reconsideration.

Claims 1, 3 and 5-7 were rejected under 35 U.S.C. § 102(b) as being anticipated by Davidson et al (WO 90/11691) and under 35 U.S.C. § 102(b) as being anticipated by Bolen (U.S. Patent No. 2,169,511). The Examiner asserts that Davidson et al teach a molded glass lid as a cake dome. Moreover, the Examiner contends that Bolen discloses a cover made of thermal material which has an integrally molded, externally threaded post centrally located on the cover.

As will be set forth in detail below, it is submitted that the molded glass lids defined by claims 1, 3 and 5-7 are not anticipated by and are patentably distinguishable from Davidson et al and Bolen. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

The molded glass lids as defined by independent claim 1, from which claims 3 and 5-8 depend, include an external surface portion and an externally threaded post disposed on the surface portion. The threaded post is solid and is formed integrally with the surface portion.

Davidson et al generally disclose an apparatus and process for marinating foodstuffs in a short period of time (abstract). Davidson et al also teach that the cover includes an upstanding neck portion which has an air inlet aperture which is used to provide for pressure release within the cover during use (page 8, lines 2-6).

Bolen teaches a thermal cover placed over either hot or cold food dishes for the purpose of maintaining the temperature of such food dishes (col. 1, lines 1-4). Moreover, Bolen discloses the cover having a boss which has an opening through which a stem and a bleed hole extends for

Serial No. 10/803,022
Amendment dated June 21, 2006
Reply to Official Action of February 21, 2006

the purpose of permitting the circulation of air (col. 1, lines 40-49).

Rejection for anticipation or lack of novelty requires, as the first step in the query, that all elements of the claimed invention be described in single reference. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989), *cert. denied*, 493 U.S.P.Q.853 (1989). Applicants are unable to find any teaching or disclosure by either Davidson et al or Bolen of the molded glass lids as defined by claims 1, 3 and 5-7.

With regard to independent claim 1, Applicants finds no teaching or disclosure in Davidson et al or Bolen of a molded glass lid having an external surface portion and an externally threaded post disposed on the surface portion, the threaded post being solid and formed integrally with the surface portion. Davidson et al teach a cover having a neck portion which includes an aperture, and similarly Bolen teaches a thermal cover with a boss which includes an opening at the top of the cover. Both Davidson et al and Bolen fail to teach a molded glass lid having a threaded post that is both solid and formed integrally with the surface portion of the molded glass lid. As such, independent claim 1 is not anticipated by Davidson et al or Bolen.

Because Davidson et al and Bolen both fail to teach or disclose the presently claimed inventive molded glass lids as defined by claims 1, 3 and 5-7, it is therefore submitted that claims 1, 3 and 5-7 are not anticipated by and are patentably distinguishable from Davidson et al and Bolen, and that the rejection of claims 1, 3 and 5-7 under 35 U.S.C. § 102 has been overcome. Reconsideration is respectfully requested.

Claims 1, 3 and 5-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bolen. The Examiner asserts that to the extent that Bolen teaches the lid is formed of thermal material but is silent regarding glass, that it would have been obvious to one skilled in the art to utilize glass as the thermal material of the lid.

Serial No. 10/803,022
Amendment dated June 21, 2006
Reply to Official Action of February 21, 2006

However, as will be set forth in detail below, it is submitted that the molded glass lids as defined by claims 1, 3 and 5-7 are nonobvious and patentably distinguishable over Bolen. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

References relied upon to support a rejection under 35 U.S.C. §103 must provide an enabling disclosure, i.e., they must place the claimed invention in the possession of the public. *In re Payne*, 203 U.S.P.Q. 245 (CCPA 1979). With regard to independent claim 1, as noted above, Applicants find no teaching or suggestion by Bolen of molded glass lids having a threaded post being solid and formed integrally with the surface portion of the lid. Moreover, it would not have been obvious to modify Bolen because the teachings of Bolen are directed to allowing for circulation of air through the cover. However, the present inventive molded glass lids have a threaded post which is solid and therefore the threaded post does not allow air to circulate through the glass lid. As such, it would not have been obvious for one skilled in the art to modify the teachings of Bolen to reach the presently claimed molded glass lids.

Therefore, Applicants contend that Bolen does not support a rejection of claims 1, 3 and 5-7 under 35 U.S.C. § 103. Applicants therefore submit that the 35 U.S.C. § 103 rejection of the presently claimed molded glass lids of claims 1, 3 and 5-7 over Bolen has been overcome. Reconsideration is respectfully requested.

Claims 1-7 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the prior art figure included in the instant application in view of Seal (U.S. Patent No. 327,325). The Examiner asserts that Seal discloses a lid having a fastener for attaching a knob to the lid top and another lid having an integrally formed fastener for attaching a knob to the lid top. The Examiner contends that it would have been obvious to one of ordinary skill in the art to apply the teaching of an integrally formed fastener with a lid top for attaching a knob to the lid.

However, as will be set forth in detail below, it is submitted that the molded glass lids as

Serial No. 10/803,022
Amendment dated June 21, 2006
Reply to Official Action of February 21, 2006

defined by claims 1, 3 and 5-7 are nonobvious and patentably distinguishable over Seal.

Accordingly, this rejection is traversed and reconsideration is respectfully requested.

Seal generally discloses handles for can covers, particularly a pivotal handle for use with milk can covers (page 1, lines 10-16).

As noted above, references relied upon to support a rejection under 35 U.S.C. §103 must provide an enabling disclosure, i.e., they must place the claimed invention in the possession of the public. With regard to independent claim 1, Applicants find no teaching or suggestion by Seal of molded glass lids having an external surface portion and an externally threaded post disposed on the surface portion, the threaded post being solid and formed integrally with the surface portion. Instead, the teachings of Seal describe can covers which can have handles which appear to be screwed, riveted or soldered to the pintle (page 1, lines 51-57). None of the can covers disclosed in Seal appear to teach or suggest a glass lid having an externally threaded post disposed on the surface portion of the lid. In fact, the pintle as described in Seal does not appear to include a threaded portion to allow for easy removal of the handle. Moreover, it would not have been obvious to one skilled in the art to use glass lids in the application as taught in Seal because the cans in Seal undergo extensive use and glass lids would be too fragile for such an environment. For example, Seal teaches riveting or soldering pedestals (which are metal) to the top of a cover to prevent leakage, therefore one skilled in the art would not consider using glass lids in such an application where metal pedestals are attached to the cover by rivets or through soldering.

As such, it would not have been obvious for one skilled in the art to combine the prior art (Fig.1) in the present application and the teachings of Seal to reach the presently claimed molded glass lids. Therefore, Applicants contend that Seal does not support a rejection of claims 1, 3 and 5-7 under 35 U.S.C. § 103. Applicants therefore submit that the 35 U.S.C. § 103 rejection of the

**Serial No. 10/803,022
Amendment dated June 21, 2006
Reply to Official Action of February 21, 2006**

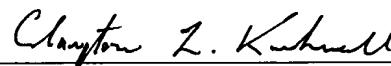
presently claimed molded glass lids of claims 1, 3 and 5-7 over Seal has been overcome.

Reconsideration is respectfully requested.

In regard to the rejection of independent claim 17 over Seal, independent claim 17 has been cancelled, and as such, the rejection of claim 17 over Seal is now moot.

It is believed that the above amendments and remarks represent a complete response to the Examiner's objections and rejections under 35 U.S.C. §§ 102 and 103, and as such, place the present application having claims 1, 3 and 5-8 in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,


Clayton L. Kuhnle
Clayton L. Kuhnle
Reg. No. 48,691
Attorney for Applicants
DINSMORE & SHOHL LLP
1900 Chemed Center
255 East Fifth Street
Cincinnati, Ohio 45202
(513) 977-8377

1279060v1

**Serial No. 10/803,022
Amendment dated June 21, 2006
Reply to Official Action of February 21, 2006**

APPENDIX A